

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

DREXEL MCCURTY,

Plaintiff,

VS.

STATE OF GEORGIA;
et al.,

Defendants.

NO. 5:22-CV-390-MTT-CHW

ORDER

Plaintiff Drexel McCurty, a prisoner in Baldwin State Prison in Hardwick, Georgia, filed a 42 U.S.C. § 1983 action. ECF No. 1. He failed to pay the filing fee or move to proceed *in forma pauperis*. On December 7, 2022, the Court ordered Plaintiff to recast his complaint, pay the filing fee, or file a motion to proceed *in forma pauperis*, including a certified copy of his trust fund account. ECF No. 4.

Plaintiff filed a recast complaint and moved to proceed *in forma pauperis*, but he failed to include a certified copy of his trust fund account. ECF Nos. 5; 6. The Court, therefore, ordered Plaintiff to show cause why his case should not be dismissed for failure to follow the Court's December 7, 2022 order. ECF No. 7. Plaintiff failed to respond to the show cause order.

Due to Plaintiff's failure to follow the Court's orders and prosecute this action, the case is hereby **DISMISSED WITHOUT PREJUDICE**. Fed. R. Civ. P. 41(b); *Brown v. Tallahassee Police Dep't*, 205 F. App'x 802, 802 (11th Cir. 2006) (citing Fed. R. Civ. P. 41(b) and *Lopez v. Aransas Ctny. Indep. Sch. Dist.*, 570 F.2d 541, 544 (5th Cir. 1978)) ("The

court may dismiss an action *sua sponte* under Rule 41(b) for failure to prosecute or failure to obey a court order.”).

SO ORDERED, this 6th day of February, 2023.

S/ Marc T. Treadwell
MARC T. TREADWELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT